

SIDNEY J. COHEN, ESQ., State Bar No. 39023
SIDNEY J. COHEN PROFESSIONAL CORPORATION
427 Grand Avenue
Oakland, CA 94610
Telephone: (510) 893-6682

Attorneys for Plaintiff
RICHARD SKAFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD SKAFF

CASE NO. C 05-1170 MEJ
Civil Rights

Plaintiff,

V.

LARKSPUR REAL ESTATE
PARTNERSHIP I, LP; LARKSPUR
REAL ESTATE PARTNERSHIP II, LP;
BARNES & NOBLE, INC.; and DOES 1-
25, Inclusive,

**STIPULATION AND ORDER
FOR DISMISSAL OF COMPLAINT
AGAINST DEFENDANT BARNES
& NOBLE, INC.**

FRCP 41 (a) (1) (ii).

Defendants.

Plaintiff Richard Skaff and defendant Barnes & Noble, Inc., by and through their attorneys of record, file this Stipulation of Dismissal pursuant to Federal Rule of Civil Procedure section 41 (a) (1) (ii).

Plaintiff filed this lawsuit on March 22, 2005.

Plaintiff Richard Skaff and defendant Barnes & Noble, Inc. have entered into a "Mutual Release And Settlement Agreement" which settles all aspects of the lawsuit against said defendant. The "Mutual Release And Settlement Agreement" is incorporated by reference herein as if set forth in full. Plaintiff Richard Skaff and defendant Barnes & Noble, Inc. stipulate to the court retaining jurisdiction to enforce the "Mutual Release And Settlement Agreement."

Plaintiff Richard Skaff moves to dismiss with prejudice the Complaint against defendant Barnes & Noble, Inc.

1 Defendant Barnes & Noble, Inc., who has answered the complaint, agrees to the dismissal
2 with prejudice.

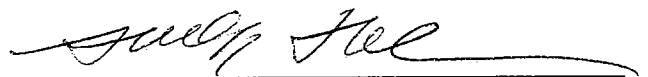
3 This case is not a class action, and no receiver has been appointed.

4 This Stipulation and Order may be signed in counterparts, and facsimile signatures shall
5 be as valid and binding as original signatures.

6 Wherefore, plaintiff Richard Skaff and defendant Barnes & Noble, Inc., by and through
7 their attorneys of record, so stipulate.

8 Date: 8/12/06

SIDNEY J. COHEN
PROFESSIONAL CORPORATION

10 

11 Sidney J. Cohen, Esq.
12 Attorney for Plaintiff Richard Skaff

13 Date: 8/15/06

BRYAN CAVE

14 

15 David H. Raizman
16 Attorney for Defendant
Barnes & Noble, Inc.

17 PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED:

18 The Complaint against defendant Barnes & Noble, Inc. is dismissed with prejudice. The
19 Court shall retain jurisdiction to enforce the "Mutual Release And Settlement Agreement."
20 The Clerk of Court shall close the file.

21 Date: August 16, 2006

Martin Elena James
United States Magistrate Judge



1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age
3 of 18 and not a party to the within action. My business address is 120 Broadway,
Suite 300, Santa Monica, CA 90401-2386.

4 On August 15, 2006, I served the foregoing document, **STIPULATION AND**
5 **ORDER FOR DISMISSAL OF COMPLAINT AGAINST DEFENDANT BARNES &**
NOBLE, on each interested party in this action, as follows:

6 Sidney J. Cohen, Esq. Attorney for Plaintiff
427 Grand Avenue Richard Skaff
7 Oakland, CA 94620
Telephone: (510) 893-6682
8 Facsimile: (510) 893-9450


9
10 Lindbergh Porter, Jr., Esq. Attorney for Defendants
Mary D. Walsh, Esq. Larkspur Real Estate Partnership I,
Littler Mendelson P.C. LP and Larkspur Real Estate
11 650 California Street Partnership II, LP
20th floor
12 San Francisco, CA 94108
Telephone: (415) 433-1940
13 Facsimile: (415) 399-8490

14 ☐ (BY MAIL) I placed a true copy (or original) of the foregoing document in a
sealed envelope addressed to each interested party as set forth above. I placed each such
15 envelope, with postage thereon fully prepaid, for collection and mailing at Bryan Cave
LLP, Santa Monica, California. I am readily familiar with Bryan Cave LLP's practice for
16 collection and processing of correspondence for mailing with the United States Postal
Service. Under that practice, the correspondence would be deposited in the United States
17 Postal Service on that same day in the ordinary course of business.

18 ☒ (BY E-MAIL) I caused a true copies of the foregoing document to be served
on Sidney J. Cohen, Esq., Lindbergh Porter, Jr., Esq. and Mary D. Walsh, Esq. via e-mail
19 at the e-mail addresses listed above. Each e-mail was complete and no reports of error
were received.

20 Executed on August 15, 2006, at Santa Monica, California.

21 I declare under penalty of perjury under the laws of the United States of America
22 and the State of California that the foregoing is true and correct.

23 
24 Miltonette Steinberg
25
26
27
28